

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:18-CR-00009-RJC-DCK

USA

v.

BENJAMIN GODWIN SWANSON

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ORDER

**THIS MATTER** is before the Court on the defendant's pro se motion for relief under the Prison Rape Elimination Act (PREA). (Doc. No. 35).

The defendant is currently housed at FCI-Pollack (Louisiana) and complains that he has been threatened with harm by inmates and has been mistreated by prison officials. (Id. at 1-2). When he was previously housed in the Gaston County jail, he raised PREA claims in a civil action under 42 U.S.C. § 1983. (Case No. 3:18-cv-86, Doc. No. 11: Amended Complaint at 15). In dismissing those claims as frivolous, the Court recognized:


Nothing in the PREA suggests that Congress intended to create a private right of action for inmates to sue prison officials for noncompliance with the Act. See Chapman v. Willis, 2013 WL 2322947 at \*4 (W.D. Va. May 28, 2013); Ball v. Beckworth, 2011 WL 4375806 at \*4 (D. Mont. Aug. 31, 2011) (citing cases). "The PREA is intended to address the problem of rape in prison, authorizes grant money, and creates a commission to study the issue.... The statute does not grant prisoners any specific rights." Chinnici v. Edwards, 2008 WL 3851294 at \*3 (D. Vt. Aug.13, 2008).

(Case No. 3:18-cv-86, Doc. No. 16: Order at 15, Whitney, C.J.). Accordingly, this Court finds that the defendant is not entitled to relief on the claims in the instant motion.

**IT IS, THEREFORE, ORDERED**, that the defendant's pro se motion is  
**DENIED.**

The Clerk is directed to certify copies of this order to the defendant, the Federal Public Defender, the United States Attorney, and the United States Marshals Service.

Signed: August 6, 2019

  
Robert J. Conrad, Jr.  
United States District Judge

